

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3-7 and 9-36 are pending in the present application. No claims are amended by the present amendment. Thus, no new matter is added.

In the outstanding Office Action, Claims 1, 7, 13-18, 29-31 and 33-35 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilson et al. (U.S. Pat. No. 5,467,170, herein "Wilson") in view of Taguchi et al. (U.S. Pat. No. 5,937,232, herein "Taguchi"); and Claims 3-6, 9-12, 19-28, 32 and 36 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilson and Taguchi in view of Kimoto et al. (U.S. Pat. No. 5,390,005, herein "Kimoto").

Addressing now the rejection of Claims 1, 7, 13-18, 29-31 and 33-35 under 35 U.S.C. §103(a) as unpatentable over Wilson and Taguchi, this rejection is respectfully traversed.

Claim 1 recites, in part,

- displaying an operation status message area on a first part of a touch panel display;
- displaying a document counting area configured to show a number of sheets set and a number of documents produced on a second part of the touch panel display;
- displaying an input document handling area on a third part of the touch panel display;
- allowing selection of at least one kind of input document for image forming from the input document handling area;
- displaying an output document handling area on a fourth part of the touch panel display, the fourth part of the touch panel display disposed directly below the second part of the touch panel display; and
- allowing selection of at least one of a sort mode, a stack mode, a staple mode, and a punch mode from the output document handling area.

Claims 5, 7, 11, 13, 29 and 33 recite similar features with regard to the output document handling area disposed directly below the document counting area.

Wilson describes a non-touch screen panel which displays copier status and a number of copier output options. The options shown in Figure 3 of Wilson are selected using a number of physical up/down buttons B1-B8. When the user presses the B2 up button, for example, the screen shows the selection box moving from the "YES" option to the "NO" option above. In addition, the boxes above the up/down buttons B1-B8 denote to which setting each respective button corresponds (e.g. B1 corresponds to "ORIGINAL COPY", B2 corresponds to "COLLATE", etc.).

Taguchi describes an image forming apparatus with a touch panel 402.

However, as is acknowledged on page 3 of the outstanding Action the combination of Wilson and Taguchi does not describe or suggest displaying an output document handling area on a fourth part of the touch panel display, the fourth part of the touch panel display disposed directly below the second part of the touch panel display, as is recited in Claim 1.

Nevertheless, the outstanding Action has taken the position that although the features recited in the claimed invention are not found in the cited references it would have been obvious none-the-less for a skilled artisan at the time the invention was made to display an output document handling area on a fourth part of the touch panel display, the fourth part of the touch panel display disposed directly below the second part of the touch panel display. Applicants respectfully traverse this assertion as erroneous and respectfully submit that it is not proper to simply reject the claims on the basis that it would be obvious without providing the required evidence.

As is noted in MPEP §2141 "the Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR, 550 U.S. at ___, 82 USPQ2d at 1396.

In the present case the outstanding Action has simply concluded that it would have been obvious to one skilled in the art to device the claimed features. Such a conclusion is *not sufficient* to support a rejection based on obviousness.

Accordingly, Applicants respectfully submit that Claims 1, 5, 7, 11, 13, 29 and 33 patentably distinguish over Wilson and Taguchi considered individually or in combination at least for this reason.

Moreover, Applicants respectfully submit that independent Claims 5, 11, 19, 24, 29 and 33 patentably distinguish over the cited Wilson, Taguchi and Kimoto references for the additional reason noted below.

Specifically, Claim 5 recites, that

- displaying at least one image forming function tab;
- allowing selection of a program key to register the at least one image forming function tab;
- displaying a programmable registered image forming function tab area on a fifth part of the touch panel display; and
- allowing selection of at least one registered image forming function tab,

wherein at least the input document handling area, the operation status message area, the document counting area, the output document handling area, and the programmable registered image forming function tab area are simultaneously maintained on the touch panel display while a selection is made via the touch panel display.

Claims 11, 19, 24, 29 and 33 recite similar features with regard to the simultaneous display.

With regard to this feature the outstanding Action states on page 7 in the response to arguments section that

...since at least the method of Wilson and Taguchi teaches a plurality of areas being displayed simultaneously when a selection is made via the touch panel display, it would have been obvious to an artisan at the time of the invention to include any number of other areas such as the programmable registered image forming function tab area to also be displayed on the touch panel display at the same time when a selection is made, in order to further facilitate users navigation and selection of functionality choices with a minimum number of screen navigation.

However, Applicants respectfully traverse this assertion and submit that it would not have been obvious for one skilled in the art to simultaneously maintain the recited areas on the touch panel display while a selection is made via the touch panel display.

Moreover, the fact that, in the recited invention, each of the recited areas are simultaneously displayed while a selection is made via the touch panel display provides a significant advantage over the cited combination, which does not provide this feature.

Applicants note that MPEP §2143.01 states that

the mere fact that references can be combined or modified does not render the resultant combination obvious unless ****>**the results would have been predictable to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007).

...a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). ****">**[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).<

Applicants note that the outstanding Action again simply makes a conclusion stating that the features of the claimed invention would be obvious and provides no evidence or rational underpinning for this conclusion. Applicants note that simply concluding that a feature not shown anywhere in the cited reference is obvious is **not sufficient** to support a rejection based on obviousness.

Moreover, the outstanding Action further states on page 7 in the response to arguments section that

while Applicant asserts the applied art do not teach all of the areas to be simultaneously maintained on the touch panel, the claim language merely requires only at least one of the areas to be maintained simultaneously when a selection is made.

However, Applicants respectfully traverse this assertion and submit that Claims 5, 11, 19, 24, 29 and 33 never recite “at least one” of the areas be maintained simultaneously when a selection is made.

For example, Claim 5 recites “wherein *at least the* input document handling area, the operation status message area, the document counting area, the output document handling area, and the programmable registered image forming function tab area are simultaneously maintained on the touch panel display while a selection is made via the touch panel display.” In other words, the claim is recites that at least these areas are displayed. Claims 11, 19, 24, 29 and 33 similarly recite this language. For instance, Claim 33 states “wherein *each area is simultaneously maintained* on the touch panel display while a selection is made via the touch panel display and an operation is allowed in one of the areas of the touch panel display.”

Moreover, the further cited Kimoto reference does not cure the above noted deficiencies of Wilson and Taguchi.

Accordingly, Applicants respectfully submit that the claimed features are not described or rendered obvious by the cited Wilson, Taguchi and Kimoto references.

Accordingly, as the combination of the cited Wilson, Taguchi and Kimoto references does not describe or render obvious that the input document handling area, the operation status message area, the document counting area, the output document handling area, and the programmable registered image forming function tab area are simultaneously maintained on the touch panel display while a selection is made via the touch panel display, Applicants respectfully submit that Claim 5 and similarly Claims 11, 19, 24, 29 and 33, and claims

depending therefrom, patently distinguish over Wilson, Taguchi and Kimoto considered individually or in combination.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

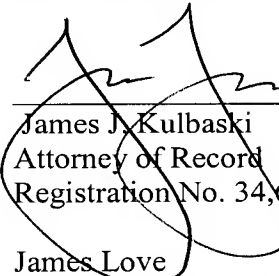
Respectfully submitted,

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